

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ATILLA DILEK,

Petitioner,

v.

ORDER
04-MC-46A

TOM RIDGE, Secretary of Homeland Security
U.S. Department of Homeland Security, et al.,

Respondent.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On July 25, 2007, Magistrate Judge Foschio filed a Report and Recommendation, recommending that respondent's motion to dismiss should be granted and the petition dismissed as moot.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, respondent's motion to dismiss is granted and the petition is dismissed as moot.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: August 16, 2007